



**FEDERAL ELECTION COMMISSION**  
WASHINGTON, D.C. 20463

**Robert Rubio**

**Los Angeles, CA 90041**

**SEP 25 2009**

**RE: MUR 5849**

**Dear Mr. Rubio:**

On October 17, 2006, you were notified that the Federal Election Commission found reason to believe that you knowingly and willfully violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended. On December 14, 2006, we received your response to the Commission's reason to believe finding. After considering the circumstances of the matter, the Commission determined on September 23, 2009, to take no further action as to you, and closed the file in this matter. The Factual and Legal Analysis explaining the basis for the Commission's decision on September 23, 2009 is enclosed.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003).

If you have any questions, please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in black ink that reads "Marianne Abely by PAB".

**Marianne Abely**  
**Attorney**

**Enclosure**  
**Factual and Legal Analysis**

29044252858

**FEDERAL ELECTION COMMISSION**  
**FACTUAL AND LEGAL ANALYSIS**

**RESPONDENT: Robert Rubio**

**MUR: 5849**

**I. BACKGROUND**

The Commission previously found reason to believe that Robert Rubio, a former Production and Support Manager with the Bank of America's ("Bank") Student Banking Division, knowingly and willfully violated 2 U.S.C. § 441f by approving the reimbursement of a \$600 political contribution made by Dale Robertson, a Bank employee under his immediate supervision.

**II. DISCUSSION**

At the time of the reason to believe finding, it appeared that Rubio may have approved Robertson's reimbursement knowing the activity was illegal because he stopped requesting reimbursement for his own political contributions prior to approving Robertson's request for reimbursement. However, in both his response to the reason to believe findings and in an informal interview, Rubio asserted that he did not know that the reimbursement of political contributions with Bank funds violated the Act at the time he signed off on Robertson's on-line request for reimbursement. None of the evidence gathered during the course of our investigation contradicted Rubio's assertions that he did not know reimbursing political contributions with Bank funds was illegal.

Further, the evidence gathered during the investigation demonstrated that Kathleen Cannon, the former Senior Vice President for the Bank's Student Banking Division, told Robertson that she wanted him to participate in the fundraising event for the McKeon for

29044252859

**Congress committee and specifically instructed him to contribute \$600 to the committee. She also informed Robertson that he would be reimbursed for the contribution and directed him to categorize the expense as "customer entertainment." Cannon has never denied these facts and does not contest that she is responsible for the events leading up to the reimbursement of Robertson's political contribution with Bank funds. Accordingly, the Commission determined to take no further action with respect to Robert Rubio.**

29044252860